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# Annual Report 1986

SASK. LEGISLATIVE
JUN 24 1987
REGINA

# Saskatchewan Public and Private Rights Board

91-07137/

# ANNUAL REPORT - 1986

# PUBLIC AND PRIVATE RIGHTS BOARD

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**Saskatchewan**

Saskathewan
Public and Private
Rights Board

860 - 1914 Hamilton Street
Regina, Saskatchewan
S4P 4V4

January 30, 1987

Honourable Grant Devine
President of the Executive Council

Dear Mr. Premier:

As per Section 6 (3) of the Expropriation Procedure Act I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 1986 to December 31, 1986.

Respectfully submitted,

Pauline A. Duncan
Chairman

PAD/mw

The Public and Private Rights Board staff as at December 31, 1986:

Ms. Pauline A. Duncan, Chairman

Mr. Glen T. Hamilton, Director

Mrs. Marion Windrum, Secretary

## REPORT ON ACTIVITIES

In 1986, the Public and Private Rights Board received eighty-three (83) requests from landowners to review matters relating to expropriation or intentions by expropriating authorities to acquire land. Of this total, fifty-two (52) were requests to review the route, situation or design of a public improvement or proposed public improvement as per Section Seven (7) of the Expropriation Procedure Act, and thirty-one (31) were requests to review the amount of compensation offered as per Section Eight (8) of the Expropriation Procedure Act.

During 1986 the Public and Private Rights Board concluded its investigation and review, and negotiations and mediations between landowners and expropriating authorities resulting from thirty-six (36) requests from landowners. Twenty-one (21) of the cases concluded by the Board in 1986 were in regard to the route, situation or design of a public improvement. One (1) of these concluded route, situation or design cases had been carried over from 1985 while the remaining twenty (20) were requests made to the Board during 1986. Fifteen (15) of the cases concluded in 1986 were in regard to the amount of compensation offered for expropriated lands. Six (6) of the concluded compensation negotiations were from cases received and reviewed by the Board during 1984, five (5) were from cases received and reviewed during 1985, and four (4) were from cases received and reviewed during 1986.

The disposition of cases negotiated and mediated to conclusion by the Board during 1986 are outlined below.

The one (1) route, situation or design case which had been carried over from 1985 was resolved by the expropriating authority (Saskatchewan Telecommunications) and the landowner agreeing to cancel the expropriation and substituting an easement agreement.

Twelve (12) of the route, situation or design cases received and concluded by the Board in 1986 were in regard to Saskatchewan Telecommunications programs and projects (Individual Line Service, Rural Service Improvement and Fibre Optics cable and pedestal installations). Of these twelve (12) cases, three (3) resulted in modifications satisfactory to both the landowner and to Saskatchewan Telecommunications while the remaining nine (9) resulted in no change to Saskatchewan Telecommunications proposal which resulted in expropriation becoming necessary.

Seven (7) of the route, situation or design cases concluded by the Board in 1986 were in regard to Saskatchewan Highways' projects. Two (2) of these cases resulted in mitigation measures being put in place satisfactory to both the landowners and Saskatchewan Highways. One (1) of these cases was resolved by the Board facilitating a new arrangement between the landowner and the tenant. Three (3) of these cases were in regard to a Saskatchewan Highways' proposal to construct a new set of lanes and a weigh station on Highway 16. The proposal was reviewed in detail by the Board. The Board did not recommend any changes to the route, situation or design of the improvement. Expropriation resulted in all three (3) of these cases, however, the parties were able to agree on compensation. One (1) case received and reviewed by the Board in regard to Saskatchewan Highways' proposal to construct a new highway (Number 46) in the Regina District was brought to the attention of the Board by the landowner, through the landowner's legal counsel, a few weeks before the work was proposed to commence (after the contract had been tendered). The landowner complained that not only was the route inappropriate and the offered compensation inadequate, but that in addition Saskatchewan Highways had abrogated its duty to negotiate the matter. While this Board was able to review some of the landowner's concerns and discuss the matter with Saskatchewan Highways, a solution satisfactory to all parties was not reached. The

expropriation and commencement of the works was contested by the landowner who sought from the court an injunction to prohibit the work from being done. The application for injunction was denied by the court and the work was undertaken and completed. Negotiations are continuing on this matter.

One (1) of the route, situation or design cases concluded by the Board in 1986 was in regard to a Saskatchewan Power proposal to install a natural gas pipeline. The request was received by the Board after the facilities were installed. As a result of its review, this Board could see no reason to recommend removing or relocating the facilities. However, part of the landowners concerns are being considered in compensation negotiations which are continuing.

Of the six (6) compensation cases received by the Board in 1984 and concluded in 1986, three (3) involved Saskatchewan Telecommunications, two (2) involved Saskatchewan Highways, and one (1) involved Saskatchewan Power. Two (2) of the cases involving Saskatchewan Telecommunications was concluded by an agreement being signed between Saskatchewan Telecommunications and the landowner wherein an amount of compensation above the Formal Offer of Compensation (as per Section 20 (2) of the Expropriation Procedure Act) was paid by Saskatchewan Telecommunications in addition to a committment being provided by Saskatchewan Telecommunications to perform certain mitigation measures if necessary. The other case involving Saskatchewan Telecommunications was resolved by this Board facilitating and expediting a settlement between the landowner and the facilities installer's insurance company. One (1) of the cases involving Saskatchewan Highways was resolved by agreement between the landowner and Saskatchewan Highways as to the monetary compensation and the provision of other works satisfactory to the landowner. The other case involving Saskatchewan Highways was received by the Board as the result of an expropriation by Saskatchewan Highways in 1984 whereby Saskatchewan Highways was attempting to put in place

mitigation measures to a water supply problem which the landowner claimed resulted from an expropriation necessitated by a Highway improvement to Number 1 Highway in 1971. The Board undertook a detailed investigation into this matter and attempted to facilitate discussions between Saskatchewan Highways, the Crown Solicitor acting on behalf of Saskatchewan Highways, the landowner's legal counsel and the landowner. However, the parties did not accept this Board's recommendations nor did they come to an agreement. The one (1) case involving Saskatchewan Power was resolved by an agreement being signed between the landowner and Saskatchewan Power providing for monetary compensation in addition to that of the Formal Offer.

Of the five (5) compensation cases received by the Board in 1985 and concluded in 1986, two (2) involved Saskatchewan Power and three (3) involved Saskatchewan Telecommunications. Both of the cases involving Saskatchewan Power were resolved by an agreement being signed by Saskatchewan Power and the landowners providing for compensation in addition to the Formal Offer. One (1) of the Saskatchewan Telecommunications cases was concluded by an agreement being reached as to compensation for land and crop damages while the landowner agreed not to press his case for additional compensation for the easement. The other two (2) of these Saskatchewan Telecommunications cases did not result in agreement being reached between the landowners and Saskatchewan Telecommunications, however, in one case the Board facilitated an agreement between the landowner and the tenant as to distribution of the damage compensation and in the other the Board provided information and advice as to the landowner's liability insurance.

Of the four (4) compensation cases received by the Board during 1986 and concluded in 1986, one (1) involved a Rural Municipality, one (1) involved Saskatchewan Highways, and two (2) involved Saskatchewan Telecommunications. While Section 3 (3) of the Expropriation Procedure Act excludes an expropriation by a Rural Municipality from

the provisions of the Expropriation Procedure Act, this Board has, on occasion, undertaken to attempt to expedite an agreement between the parties when requested to do so by both parties. In the case above mentioned, this Board by meeting once with each of the parties attempted to, but was unsuccessful in facilitating agreement. The one (1) case involving Saskatchewan Highways was brought to the attention of this Board by the landowner while the Board was investigating an expropriation from the landowner by another expropriating authority. The Saskatchewan Highways expropriation and subsequent works were claimed by the landowner to have affected the drainage on his land. Our investigations determined that other agencies had investigated this matter sufficiently. One (1) of the compensation cases involving Saskatchewan Telecommunications resulted in agreement being reached while in the other agreement was not reached but the matter was dropped by the landowner.

During 1987 the Board will continue investigations and negotiations and mediations between the landowners and the expropriating authorities on four (4) compensation cases which were received by the Board in 1984 (to which resolution of each is expected shortly), on four(4) compensation cases which were received by the Board in 1985, on thirty-two (32) route, situation or design cases which were received by the Board in 1986, and on twenty-six (26) compensation cases which were received by the Board in 1986.

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PUBLIC AND PRIVATE RIGHTS BOARD

SECTION 6 (3), EXPROPRIATION PROCEDURE ACT

TABLE 1

| | | | |
|---|---|---|---|
| (A) | Number of investigations undertaken by the Board | | 83 |
| | Nature of each: | | |
| | Route, situation or design | 52 | |
| | Compensation | 31 | |
| (B) | Number of claims negotiated by the Board | | 103 |
| | Nature of each: | | |
| | Route, situation or design | 54 | |
| | Compensation | 49 | |

## TABLE 2

Number of Investigations undertaken by the Board by

Expropriating Authority Involved, 1986

| Expropriating Authority | Route, Situation or Design | Compensation | Total |
|---|---|---|---|
| Conservation & Development Area Authority | | 2 | 2 |
| Saskatchewan Highways | 10 | 2 | 12 |
| Saskatchewan Power Corporation | 26 | 5 | 31 |
| Saskatchewan Telecommunications | 16 | 20 | 36 |
| Miscellaneous (R.M.) | | 2 | 2 |

## TABLE 3

Number of claims negotiated by the Board by

Expropriating Authority Involved, 1986

| Expropriating Authority | Route | Compensation | Total |
|---|---|---|---|
| Conservation and Development Area Authorities | | 3 | 3 |
| Saskatchewan Highways | 10 | 5 | 15 |
| Saskatchewan Power Corporation | 26 | 10 | 36 |
| Saskatchewan Telecommunications | 18 | 30 | 48 |
| Miscellaneous (R.M.) | | 1 | 1 |

## TABLE 4

Number of investigations undertaken by the Board 1976 - 1986.

| Year | Route, Situation or Design | Compensation | Miscellaneous | Total |
|---|---|---|---|---|
| 1976 | 13 | 18 | | 31 |
| 1977 | 20 | 30 | 7 | 57 |
| 1978 | 11 | 12 | 3 | 26 |
| 1979 | 3 | 15 | 4 | 22 |
| 1980 | 4 | 9 | 3 | 16 |
| 1981 | 53 | 55 | | 108 |
| 1982 | 38 | 58 | | 96 |
| 1983 | 3 | 8 | | 11 |
| 1984 | 8 | 22 | | 30 |
| 1985 | 8 | 12 | | 20 |
| 1986 | 52 | 31 | | 83 |

TABLE 5

Number of Investigations undertaken by the Board by

Expropriating Authority Involved, 1976 - 1986

| Year | Sask. Agriculture (C & D) | Sask. Highways | Sask. Parks & Renewable Resources | Sask. Power | Sask. Supply & Services | Sask. Tel | Miscellaneous |
|---|---|---|---|---|---|---|---|
| 1976 | 3 | 12 | - | 3 | - | 4 | 9 |
| 1977 | 5 | 3 | - | 13 | 16 | 13 | 7 |
| 1978 | 2 | 4 | 1 | 1 | 5 | 5 | 3 |
| 1979 | 3 | 9 | - | 1 | 1 | 3 | 4 |
| 1980 | 1 | 5 | - | 2 | - | 1 | 3 |
| 1981 | 7 | 11 | - | 80 | - | 4 | 6 |
| 1982 | 33 | 2 | - | 53 | - | 8 | - |
| 1983 | - | - | - | 1 | - | 11 | - |
| 1984 | - | 7 | - | 5 | - | 17 | 1 |
| 1985 | 1 | 2 | - | 4 | - | 11 | 2 |
| 1986 | 2 | 12 | - | 31 | - | 36 | 2 |

## TABLE 6

Number of claims negotiated by the Board 1976 - 1986.

| Year | Route, Situation or Design | Compensation | Total |
|---|---|---|---|
| 1976 | 9 | 18 | 27 |
| 1977 | 20 | 30 | 50 |
| 1978 | 11 | 12 | 23 |
| 1979 | 3 | 15 | 18 |
| 1980 | 4 | 9 | 13 |
| 1981 | 51 | 51 | 102 |
| 1982 | 38 | 58 | 96 |
| 1983 | 2 | 8 | 10 |
| 1984 | 38 | 28 | 66 |
| 1985 | 11 | 33 | 44 |
| 1986 | 54 | 48 | 103 |

TABLE 7

Number of claims negotiated by the Board by Expropriating Authority Involved 1976 - 1986.

| Year | Sask. Agric. (D&D) | Sask. Highways | Sask. Parks & Ren. Resources | Sask. Power | Sask. Supply & Services | Sask. Tel | Misc. |
|---|---|---|---|---|---|---|---|
| 1976 | 3 | 12 | - | 3 | - | 4 | 5 |
| 1977 | 5 | 3 | - | 13 | 16 | 13 | - |
| 1978 | 2 | 4 | 1 | 1 | 5 | 5 | 5 |
| 1979 | 3 | 9 | - | 1 | 1 | 3 | 1 |
| 1980 | 1 | 5 | - | 2 | - | 2 | 3 |
| 1981 | 7 | 11 | - | 80 | - | 4 | - |
| 1982 | 33 | 2 | - | 53 | - | 8 | - |
| 1983 | - | - | - | 1 | - | 9 | - |
| 1984 | 32 | 3 | - | 5 | - | 26 | - |
| 1985 | 1 | 9 | - | 7 | - | 25 | 1 |
| 1986 | 3 | 15 | - | 36 | - | 48 | 1 |